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## SMART CASE PROBABLY WILL BE COMPROMISED; NEGOTIATIONS ON

### Conferences For Last Ten Days Looking Toward Settlement of Estate Fight

The big legal fight between Mrs. Elizabeth J. Knight and Henry G. Knight over the will and estate of the late Annie T. K. Parker Smart, almost certainly will be compromised. This is tacitly admitted today by the attorneys for both sides.

Conferences have been in progress the last ten days or two weeks between Attorney Frank E. Thompson of counsel for Henry G. Smart and Attorney W. A. Kinney of counsel for Mrs. Knight, with a view to reaching a mutual understanding whereby the big conflict threatened over the will may be peacefully settled.

The principals, Mrs. Knight and Smart, have not concurred in the points discussed by their attorneys, though it is understood the conferences have been held with their approval. The details have not been entirely agreed upon, even between counsel, and several days or months may elapse before the parties arrive at a satisfactory agreement and the enormous amount of litigation already begun in the courts is brought to an end.

Three propositions are under consideration, the one most favored virtually confirming the provisions of the late Annie T. K. Parker Smart's last will. Only one separate provision is added. This additional point was proffered by Smart's counsel, Attorney Thompson. It would give Richard, the child, one-fourth of the income of the estate during his minority. In money this means that \$500 a month would be set aside for his care and education until he reaches the age of 20 years.

Then, as the father's counsel has persistently contended that the last will definitely provided, Richard Smart would inherit two-thirds of the income and title to two-thirds of the estate, Henry G. Smart getting one-third. Won't End Court Case, Immediately. These negotiations between the attorneys will in no way interfere with the guardianship matter, however, and Circuit Judge Whitney is expected to give his decision very soon on the question of Judge Antonio Perry's right to serve as temporary guardian of Richard Smart.

Before the compromise can be permanently effected the agreement finally reached by the attorneys must receive the guardian's approval, and afterward by the court. There must be a temporary guardian, however, and it is anticipated that Judge Whitney will uphold his earlier action in appointing Judge Perry.

For nearly two weeks letters have been passing between Attorney Kinney, senior counsel for Mrs. Knight, and Attorney Thompson, of counsel for Smart, concerning a proposed amicable adjustment of the control over the estate and the child. These were in the nature of suggestions of what respective counsel would recommend to their clients.

The only matter of serious dispute since the inception of the negotiations has been over the disposition of the property in the event the child should die before attaining his majority.

Two Propositions: A proposition advanced by Attorney Kinney suggested that in the event of the boy's death the entire property should go to such of the blood-relatives of the Parkers and of the Dows as other than Mrs. Knight, whom she by will or other instrument should designate.

As a counter proposition, it is understood, Attorney Thompson submitted three suggestions, leaving choice of any one of the three to Kinney. These were:

First—In the event of Richard Smart's death, that the Parkers, being the founders of the great ranch on Hawaii, which constitutes the bulk of the property, and who are the nearest blood-relatives living of the child, should take the entire property.

Second—That in the event of his death the estate of the child be divided, one-third going to the nearest blood-relatives of the Parkers, one-third to the blood-relatives of the Dows other than Mrs. Knight, and one-third to the blood-relatives of the Smart family.

Third—That in the event of the boy's death before reaching his majority, the minor's estate should go to a charitable trust, under an agreed form of trust deed, the object of the charity to be the care and support of orphan or indigent children of Hawaiian blood.

Also, as a part of this third suggestion, the estate would, in the event of the child's death, go into the hands of a board of trustees, consisting of three members; these members to be appointed by a majority of the justices of the territorial supreme court as constituted at that time, without suggestion or control of their decision by either Mrs. Knight or H. G. Smart or any other persons directly or indirectly interested in the minor's estate or in the ranch.

Attorney Kinney has recommended to Mrs. Knight and to his associates the acceptance of the third proposition.

The charity idea, it is declared, is virtually the gist of Mrs. Thelma Parker Smart's second will, made by her shortly after her marriage to Smart and before there were any children to be considered. It was a net project of Mrs. Smart's, and thus, it is claimed, in the event of the child's demise Mrs. Smart's wish will be fulfilled as she desired before the coming of the child altered conditions and made the third and final will imperative.

The last will is to be probated by Circuit Judge Whitney on March 10. The present trust of course will continue in effect, with A. W. Carter in charge as manager; Smart, the father, will have the custody of his child and all bequests made by Thelma Parker Smart in her final will are to be honored.

Circuit Judge Whitney today set March 10 as the date on which he will hear the petition of Henry G. Knight for proving the will. The compromise agreement may be definitely determined and approved by the temporary guardian before that time.

### 'BURNING DAYLIGHT' WITH HOBART BOSWORTH IN THE LEAD THE POPULAR BILL

Owing to the fact that "Burning Daylight," a spectacular nine-reel photoplay offering, arrived via the steamer Matanua today the management of the Popular theater has decided to substitute that bill for "One of Our Girls." In "Burning Daylight" Hobart Bosworth, who caused a furore in local theatrical circles when he appeared in "The Sea Wolf," is featured in this thrilling story of the land of the midnight sun and is said to be superior in this offering to anything he has ever undertaken.

"One of Our Girls" will be the feature film for the opening of the big cabaret de luxe next Saturday night.

### OFFICIAL ANNOUNCEMENT OF SEC. DANIELS' VISIT

Rear-admiral C. B. T. Moore has received official confirmation of the news published in the Star-Bulletin several days ago to the effect that the formal opening of the Panama canal has been postponed until the first of July, and that therefore Secretary of the Navy Josephus Daniels will not make his intended visit to Hawaii until early in that month. The confirmation came in the form of a cable message to the rear-admiral from the secretary.

### DEATHS

HUGGINS—In Honolulu, February 2, 1915, Albert Huggins, aged 80 years, a native of England. Funeral held yesterday; interment in the Kalahepolu cemetery.

LOANDA—In Honolulu, February 2, 1915, Eugene Loanda, aged 45 years, a native of St. Michael's Island, Portugal.

BARON—In Honolulu, February 1, 1915, John Baron, aged 30 years, 6 months and 25 days; a native of Massachusetts. Funeral held yesterday; interment in the Catholic cemetery, King street.

PAOA—In Honolulu, February 1, 1915, Gelle Joseph, daughter of Mr. and Mrs. Joseph Paon of School street, aged five months. Funeral held yesterday; interment in Kaneohe, Oahu.

LUIZ—In Honolulu, February 1, 1915, Jose, son of Mr. and Mrs. Vicente Fernandes Luis of 233 Auwalolu street, aged two days.

### BIRTHS

MANAKU—In Honolulu, February 2, 1915, to Mr. and Mrs. John Manaku of 474 Buckle lane, a son.

LUIZ—In Honolulu, January 30, 1915, to Mr. and Mrs. Vicente Fernandes Luis of 233 Auwalolu street, a son.

MAKAIWI—In Honolulu, January 22, 1915, to Mr. and Mrs. John Makaiwi of 233 Buckle lane, a daughter.

### Lincoln's Birthday February 12th

Should you wish to have a fine picture of "President Lincoln" go to Wall, Nichols Co., Ltd. They have them on sale.—Adv.

## LOCAL AND GENERAL

A. O. H. Division No. 1 meets in Catholic Mission this evening at 7:30 o'clock.

Hawaiian Lodge No. 21 meets this evening in Masonic Temple for work in third degree.

All members of Court Lunailo are requested to attend the meeting of the lodge this evening in Pythian hall.

Special meeting of Schofield Lodge F. & A. M. at Lelahe this evening. There will be work in second degree.

Trial jurors in Circuit Judge Ashford's court have been ordered to be present in court for duty at 9 o'clock tomorrow morning.

The regular monthly meeting of the Kalih Improvement Club will be held this evening at 7:30, at the Kalih-waena schoolhouse.

The regular monthly meeting of the Free Kindergarten and Children's Aid Association will be held Friday, Feb. 5, at 9:30 a. m., in the Library of Hawaii.

The cross-bill for divorce brought by Manuel V. de Colto against Mrs. by Manuel V. de Colto against Mrs. Circuit Judge Whitney yesterday on the ground of desertion.

There will be a special meeting of the Catholic Ladies' Aid Society in the roof garden of the Young hotel on Thursday morning at 10 o'clock. Business of importance.

Marriage licenses were granted by Agent Palmer P. Woods yesterday, as follows: Henry Lambie Woodyer, and Julia Ann Chipperfield, and Alfred K. Magoon and Ruth Dorothy Lindley.

The work of compiling a history of the mythology of the Hawaiian Islands and their people has been undertaken by the directors of the Bishop Museum. The project is being directed by T. G. Thrum, a recognized authority on things Hawaiian.

A prominent business house of Chicago which has been in existence for many years has never learned much of the Hawaiian Islands, as evidenced in a letter received from the firm by Malcolm A. Franklin, collector of customs, addressed to the "American Consul of Honolulu."

Verdict for the plaintiff in the sum of \$475 was returned by the jury in Circuit Judge T. B. Stuart's court yesterday afternoon in the civil suit of the City Mill Company against H. Fernindes and others. The trial took two days' time. The jury deliberated 40 minutes before arriving at its verdict.

Supervisors Quinn and Ahia, while touring the city streets yesterday afternoon in Mayor Lane's auto, were stopped at Fort and Hotel streets for attempted violation of the traffic ordinance by Oliver Akau, a new patrolman on his first "beat." The supervisors chuckled and said Akau would make good.

The inventory of the estate of the late Frank Stanwood Dodge, as filed in circuit court by the Bishop Trust Company, executor of the estate, shows the estate to consist of a home-stead tract at Punahou and Dominis street, 30 shares of Ewa stock, 20 shares of Oahu Sugar Company stock and one \$1000 bond of the Oahu Sugar company.

According to a letter received by the Promotion Committee today from H. P. Wood, resident fair commissioner, a large quantity of literature descriptive of the Hawaiian Islands will be placed aboard the excursion steamer Great Northern when that vessel reaches the Panama Canal on its way to Honolulu and Hilo. There will probably be 400 tourists aboard.

The governor yesterday granted a pardon and restoration of civil rights to William E. Saffrey, who was found guilty in the circuit court of Maui in October, 1912, of two charges of embezzlement and fined a total of \$1000. The executive also granted a parole to Pascual Maturan, convicted on Maui last March and sentenced to a term of one to three years in prison.

J. H. Schnack completed negotiations today for the purchase of two pieces of property in Kalihi. One is a tract measuring three-quarters of an acre near Waena park, bought from the William Match Co., Ltd., for \$2,000. The other, purchased from Joe Kubie, consists of about an acre back of Kalihi road, near the Kamehameha school. The consideration for this was \$2,250.

The work of assembling all portraits of Hawaii's former royalty in the throne room or representative hall at the capitol, as mentioned in the Star-Bulletin a week ago, is practically complete. Though Governor Pinkham protested, a number of pictures were removed from the executive chamber, and the walls of representative hall now give that room the appearance of an art gallery.

The annual meeting of the Daughters of Hawaii, called for today, was postponed until the second week in March. At a meeting of the members today Mrs. C. S. Holloway, Mrs. A. F. Judd and Mrs. George Potter were elected members of a nominating committee to nominate officers for the coming fiscal year. The matter of restoring the Queen Emma home probably will be taken up at the annual meeting, as it is believed that by that time the board of supervisors will have rendered its opinion to the organization.

The Tonopah ore shipments for the week ended January 9 totaled 10,352 tons, valued at \$21,034.

## Police & Hospital Reports

Rapid transit car number 37 collided with an automobile bearing the number 1237 near the corner of Hotel and Nuuanu streets yesterday. The running board on the street car was damaged. The driver in the machine escaped serious injuries.

Lieut. Bailey reported to the police today that while returning to Fort Shafter in an automobile he ran down and injured a little Japanese girl. The child was taken to Fort Shafter hospital for treatment. The injuries are reported as not serious.

Vakaiken, alleged to be under the influence of liquor, fell from King street bridge into Nuuanu river last night, receiving cuts about the head and body. He was taken to the hospital for treatment.

Traffic officers will wear olive drab uniforms with campaign hats and horse-head chevrons on their sleeves in a few days, according to an announcement of Sheriff Rose. The officers will be stationed at Bethel and King, Bishop and King, Fort and King, Fishmarket and King, Fort and Hotel, and Bishop and Hotel streets. The sheriff is contemplating a rule compelling clerks in his office to wear an olive drab uniform.

### SINTON IS ACCUSED BY FELLOW SOLDIER

More evidence against Benjamin Sinton, held for the murder of William De Freeze, was obtained today by the police, according to Capt. McDuffie. The latter was told by an enlisted man that he overheard Sinton say that he intended to do away with De Freeze. A coroner's jury reached a verdict yesterday afternoon that De Freeze, member of the 104th Company of Coast Artillery, came to his death through a fracture of the skull caused by being repeatedly struck on the head with a brick held in the hands of one Sinton, a private in the Coast Artillery. Sinton will be brought before the grand jury. No charge has been filed against him by the police.

### TEMPTATION TO BEAT HIS WIFE TOO STRONG; SIXTY DAYS IN JAIL

Pleading guilty to a charge of assault and battery upon his wife Albert H. Wiederhold yesterday was sentenced by Circuit Judge Ashford to 60 days in jail. The charge originally was brought by Mrs. Cecelia Wiederhold; his wife, last June but when he was finally brought into circuit court last October he was granted a suspension of sentence, with the understanding that he would not repeat the offense.

Mrs. Wiederhold renewed her complaint yesterday, declaring that since October her husband has beaten not only herself but her friend, Rebecca Keawe, on numerous occasions. The husband confessed to the court yesterday that there were occasions when he simply could not resist the temptation to beat his wife.

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